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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,762	02/22/2002	Qiong Li	US020053	2738

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EXAMINER

NGUYEN, HANH N

ART UNIT PAPER NUMBER

2668

DATE MAILED: 10/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/042,762	Applicant(s) LI ET AL.	
	Examiner Hanh Nguyen	Art Unit 2668	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Application filed on 02/22/02.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8-15 is/are allowed.
- 6) ☒ Claim(s) 1-7 and 16-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.



HANH NGUYEN
PRIMARY EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5/6/03 7/30/03

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Specification

The disclosure is objected to because of the following informalities: Claim 1 is objected because:

In claim 1, it is not clearly stated whether “account for” on line 8 is disclosed in the specification.

Appropriate correction is required.

Claim Objections

Claim 19 is objected to because of the following informalities: it is not clearly stated what is the capability of the adaptive node which is stated in line 1. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7 and 16-20 are rejected under 35 USC 103(a) as being unpatentable over Chaddha (Pat. 6,564,262 B1) in view of Gupta et al. (Pat. 6,272,151 B1).

In claims 1, 7 and 16, Chaddha discloses a system for providing streaming fine granular scalability coded video data (fig.2, system transmitting encoded multimedia data comprising base layer and enhancement layer, col.4, lines 60-65& col.5, lines 1-10), comprising: a server (server 210) for sending fine granular scalability coded video data (sending encoded multimedia

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data, col.4, lines 60-65 col.5, lines 1-10) into a data network (fig.2, Internet 220) through a plurality of channels (fig.2, to client computers through plurality of channels); a receiver (a client computer 231, fig.2) having a first network analyzer that perceives network congestion conditions of the data network at the receiver (the client computer 231 detects that there is not enough network bandwidth) and dynamically modifies subscriptions to a predetennined number of the plurality of the channels based on the perceived congestion conditions of the data network at the receiver (client 231 leaves its some multicast groups until consumption of network bandwidth is less than or equal to the available network bandwidth to reduce network congestion, col.7, lines 15-50). Chaddha does not disclose an adaptive node having a second network analyzer that accounts for the number of the channels subscribed to by the receiver. Gupta et al. discloses, in fig.21, an adaptive node (video distributor 614) having a second network analyzer (system controller 656) that accounts for the number of the channels subscribed to by the receiver (system controller 656 ensures requests from DET 618 conveyed to server 612; provides call setup, call tear down , all trunk busy, etc., col.30, line 65 to col.61, line 10). In addition, the adaptive node comprises an a data network interface for connecting to a data network (col.30, lines 22-30). Therefore, it would have been obvious to one ordinary skilled in the art to apply the teaching of Gupta with the network of Chaddha in order to modify the number of channels subscribed by the client computer; and to monitor network traffic congestion.

In claims 4 and 19, Chaddha does not disclose the second network analyzer merges channel control signals received from other receivers and forwards the merged channel control

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signals to an upstream peer in order to dynamically modify transmission of the subscribed channels to the receiver. Gupta discloses, in fig. 21, the second network analyzer (system controller 656) merges channel control signals received from other receivers and forwards the merged channel control signals to an upstream peer (system controller 656 ensures the DET 618 's requests for video service are conveyed to server 612, col.31, lines 1-10) in order to dynamically modify transmission of the subscribed channels to the receiver (providing call tear down, call setup, trunk busy, etc, col.31, lines 1-10). Therefore, it would have been obvious to one ordinary skilled in the art to apply the teaching of Gupta with the network of Chaddha in order to modify the number of channels subscribed by the client computer, and to monitor network traffic congestion.

In claims 2, 3, 5, 17 and 18, Chaddha does not disclose a system of claim 1 wherein the adaptive node further comprises a mass data store capable of buffering data and wherein at least one of the plurality of adaptive nodes is upstream of at least one other of the plurality of adaptive nodes. Gupta et al. discloses the adaptive node further comprises a mass data store capable of buffering data (memory included in data access server 702, fig.27). col.33, lines 15-30. Gupta further discloses one of the plurality of adaptive nodes is upstream of at least one other of the plurality of adaptive nodes (see fig.3, network 14 comprises multiple video distributors where one is upstream of another). Therefore, it would have been obvious to one ordinary skilled in the art to apply the teachings of Gupta with the system of Chaddha in order to transmit coded video data via multiple adaptive nodes and adapt the modified connection between receiver and server.

In claims 6 and 20, Chaddha discloses the system of claim 1 wherein the receiver is a plurality of receivers (fig.2 discloses client computers 231-239).

Allowable Subject Matter

Claims 8-15 are allowed.

The following is an examiner's statement of reasons for allowance:

In claim 8, the prior art fails to disclose subscribing to one or more channels by the receiver based on network capacity as perceived by the receiver, each channel corresponding to a predetennined data layer of a plurality of data layers comprising the streaming fine granular scalability coded video data available at the server; recognizing by the adaptive node of the channels subscribed to by receivers downstream of the adaptive node operatively disposed intermediate the server and the receiver; and modifying transmission of the subscribed channels through the adaptive node to the receiver based on network capacity as perceived by the adaptive node.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Haskell (Pat. 5742343); Mishra (Pat. 6894973 B1); Galand et al. (pat. 6,424,624 B1) .

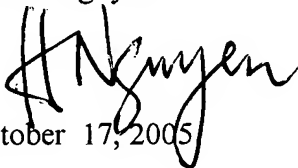
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh Nguyen whose telephone number is 571 272 3092. The examiner can normally be reached on Monday-Friday from 8:30 to 4:30. The examiner can also be reached on alternate

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chieh Fan, can be reached on 571 272 3042. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hanh Nguyen



October 17, 2005

HANH NGUYEN
PRIMARY EXAMINER